

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
954-797-1101

SUBJECT: Corrective Ordinance
LA-01-2A / Future Land Use Map Amendment

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-2, WHICH WAS AN ORDINANCE AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This Ordinance is a corrective Ordinance for a land use plan map amendment which contained a scrivener's error in Section 1 of the body of the Ordinance. The title, attachments, and staff report referenced maintaining the existing land use classification for the parcel located at the southeast corner of University Drive and Stirling as commercial. Section 1 of the Ordinance contained an error stating that a land use classification of commerce/office was approved. Based on the advertised title, the analysis, and the attached map, the commercial land use plan designation was clearly the intended classification.

PREVIOUS ACTIONS: None.

CONCURRENCES: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-2, WHICH WAS AN ORDINANCE AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council on February 6, 2002, adopted Ordinance 2002-2 which was intended to amend the Comprehensive Plan to include a parcel of land recently identified as being within the Town of Davie boundaries, on the Future Land Use Map as Commercial; and

WHEREAS, Section 1 of Ordinance 2002-2 contains an error in the land use classification applied to said parcel of land as Commerce/Office; and

WHEREAS, the Town of Davie wishes to clarify and correct the reference in Section 1 of Ordinance 2002-2.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Section 1 of Ordinance 2002-2 is hereby amended to state a land use classification of Commercial, as indicated in the advertised title and in the attached Exhibit 'A' from Ordinance 2002-2.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2002

PASSED ON SECOND READING THIS _____ DAY OF _____, 2002

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF TRACTS 1, 2, 3, 4, 29, 30 AND 31 IN SECTION 4, TOWNSHIP 51 SOUTH, RANGE 41 EAST, OF THE "EVERGLADES SUGAR AND LAND CO. SUBDIVISION" AS RECORDED IN PLAT BOOK 2 PAGE 75 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE, ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION, SOUTH 87°46'51" WEST (BEARING BASIS) 150.01 FEET TO A LINE PARALLEL WITH AND 150.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION; THENCE, ALONG SAID PARALLEL LINE AND ALONG THE WEST LINE OF THE 150 FOOT RESERVATION SHOWN ON SAID PLAT, SOUTH 01°26'34" EAST 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PARALLEL LINE AND THE WEST LINE OF SAID RESERVATION, SOUTH 01°26'34" EAST 2047.28 FEET TO A POINT ON A 2997.05 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS POINT BEARS SOUTH 66°23'05" WEST, SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF UNIVERSITY DRIVE AS RECORDED IN RIGHT-OF-WAY MAP BOOK 12 PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AS MONUMENTED; THE FOLLOWING THREE (3) COURSES RUN ALONG SAID EASTERLY RIGHT-OF-WAY LINE; (1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°19'29" AN ARC DISTANCE OF 435.45 FEET TO A POINT OF TANGENCY; (2) NORTH 31°56'23" WEST 203.32 FEET TO A POINT OF CURVATURE OF A 2804.79 FOOT RADIUS CURVE CONCAVE TO THE EAST; (3) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°30'01" AN ARC DISTANCE OF 1493.08 FEET TO A POINT OF COMPOUND CURVATURE OF A 50.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°13'13" AN ARC DISTANCE OF 77.86 FEET TO A POINT OF TANGENCY ON A LINE PARALLEL WITH AND 50.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION; THENCE, ALONG SAID PARALLEL LINE, NORTH 87°46'51" EAST 634.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN BROWARD COUNTY, FLORIDA AND CONTAINING 909,925 SQUARE FEET (20.889 ACRES) MORE OR LESS.